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9 **UNITED STATES DISTRICT COURT**  
10 **CENTRAL DISTRICT OF CALIFORNIA**

11 UNICOLORS, INC., a California  
12 Corporation,

13 Plaintiff,

14 vs.

15 DOLLAR GENERAL CORPORATION,  
16 individually and d/b/a "Bobbie Brooks," a  
17 Tennessee Corporation; STAR RIDE  
18 KIDS, INC., a New York Corporation;  
19 SUNFLOWER IMPORTS, a business  
20 entity of form unknown, individually and  
21 d/b/a "California Woman"; FORMAN  
22 MILLS, INC., a Pennsylvania  
23 Corporation; INDIA BOUTIQUE, INC.,  
24 individually and d/b/a "Isla Bonita," a  
25 Florida Corporation; HOT RAGS, INC.,  
26 an Illinois Corporation; LULAROE, LLC,  
a California Limited Liability Company;  
FANABERIE, a New York business  
entity of form unknown; and DOES 1  
through 10,

27 Defendants.

Case No.:

PLAINTIFF'S COMPLAINT FOR:

1. COPYRIGHT INFRINGEMENT;
2. VICARIOUS AND/OR  
CONTRIBUTORY COPYRIGHT  
INFRINGEMENT

Jury Trial Demanded

1 Plaintiff, UNICOLORS, INC. (hereinafter “UNICOLORS”), by and through its  
2 undersigned attorneys, hereby prays to this honorable Court for relief based on the  
3 following:

4 **JURISDICTION AND VENUE**

5 1. This action arises under the Copyright Act of 1976, Title 17 U.S.C., § 101  
6 *et seq.*

7 2. This Court has federal question jurisdiction under 28 U.S.C. § 1331 and  
8 1338 (a) and (b).

9 3. Venue in this judicial district is proper under 28 U.S.C. § 1391(c) and  
10 1400(a) in that this is the judicial district in which a substantial part of the acts and  
11 omissions giving rise to the claims occurred.

12 **PARTIES**

13 4. Plaintiff UNICOLORS is a corporation organized and existing under the  
14 laws of the State of California with its principal place of business located in Los  
15 Angeles County.

16 5. Plaintiff is informed and believes and thereon alleges that DOLLAR  
17 GENERAL CORPORATION, individually and d/b/a “Bobbie Brooks” (“Dollar  
18 General”) is a corporation organized and existing under the laws of the State of  
19 Tennessee with its principal place of business located at 100 Mission Ridge,  
20 Goodlettsville, Tennessee, 37072 and is doing business in and with the State of  
21 California.

22 6. Plaintiff is informed and believes and thereon alleges that STAR RIDE  
23 KIDS, INC. (“Star Ride”), is a corporation organized and existing under the laws of  
24 the State of New York with its principal place of business located at 1384 Broadway,  
25 14th Floor, New York, New York, 10018 and is doing business in and with the State  
26 of California.

1           7. Plaintiff is informed and believes and thereon alleges that Defendant  
2     SUNFLOWER IMPORTS, individually and d/b/a “California Woman” (collectively,  
3     “Sunflower”), is a business entity of form unknown with its principal place of  
4     business located in Los Angeles, California.

5           8. Plaintiff is informed and believes and thereon alleges that Defendant  
6     FORMAN MILLS, INC. (“Forman”) is a corporation organized and existing under  
7     the laws of the State of Pennsylvania with its principal place of business located at  
8     1070 Thomas Busch Memorial Hwy., Pennsauken, New Jersey, 08110, and is doing  
9     business in and with the State of California.

10          9. Plaintiff is informed and believes and thereon alleges that INDIA  
11     BOUTIQUE, INC., individually and d/b/a “Isla Bonita” collectively (“India”) is a  
12     corporation organized and existing under the laws of the State of Florida, with its  
13     principal place of business located at 2030 N.W. 23<sup>rd</sup> Street, Miami, Florida 33142,  
14     and is doing business in and with the State of California.

15          10. Plaintiff is informed and believes and thereon alleges that Defendant HOT  
16     RAGS, INC. (“Hot Rags”) is a corporation organized and existing under the laws of  
17     the State of Illinois with its principal place of business located at 45 S. La Grange  
18     Road, La Grange, Illinois, 60525 and is doing business in and with the State of  
19     California.

20          11. Plaintiff is informed and believes and thereon alleges that Defendant  
21     LULAROE, LLC (“LuLaRoe”) is a limited liability company organized and existing  
22     under the laws of the State of California with its principal place of business located  
23     at 1375 Sampson Avenue, Corona, California, 92879 and is doing business in and  
24     with the State of California.

25          12. Plaintiff is informed and believes and thereon alleges that Defendant  
26     FANABERIE (“Fanaberie”) is a business entity of unknown form organized and  
27     existing under the laws of the State of New York with its principal place of business  
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1 located at 339 Bedford Avenue, Brooklyn, New York, 11211 and is doing business  
2 in and with the State of California.

3 13. Plaintiff is informed and believes and thereon alleges that some of  
4 Defendants DOES 1 through 5, inclusive, are manufacturers and/or vendors of  
5 garments to named Defendant, which DOE Defendants have manufactured and/or  
6 supplied and are manufacturing and/or supplying garments comprised of fabric  
7 printed with Plaintiff's copyrighted designs (as hereinafter defined) without  
8 Plaintiff's knowledge or consent or have contributed to said infringement. The true  
9 names, whether corporate, individual or otherwise of Defendants DOES 1-5,  
10 inclusive, are presently unknown to Plaintiff, which therefore sues said Defendants  
11 by such fictitious names and will seek leave to amend this complaint to show their  
12 true names and capacities when same have been ascertained.

13 14. Defendants DOES 6 through 10, inclusive, are other parties not yet  
14 identified who have infringed Plaintiff's copyrights, have contributed to the  
15 infringement of Plaintiff's copyrights, or have engaged in one or more of the  
16 wrongful practices alleged herein. The true names, whether corporate, individual or  
17 otherwise, of Defendants DOES 6 through 10, inclusive, are presently unknown to  
18 Plaintiff, which therefore sues said Defendants by such fictitious names, and will  
19 seek leave to amend this Complaint to show their true names and capacities when  
20 same have been ascertained.

21 15. Plaintiff is informed and believes and thereon alleges that at all times  
22 relevant hereto each of the Defendants was the agent, affiliate, officer, director,  
23 manager, principal, alter-ego, and/or employee of the remaining Defendants and was  
24 at all times acting within the scope of such agency, affiliation, alter-ego relationship  
25 and/or employment; and actively participated in or subsequently ratified and  
26 adopted, or both, each and all of the acts or conduct alleged, with full knowledge of  
27 all the facts and circumstances, including, but not limited to, full knowledge of each  
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1 and every violation of Plaintiff's rights and the damages to Plaintiff proximately  
2 caused thereby.

3 **CLAIMS RELATED TO DESIGN GT1148**

4 16. Prior to the conduct complained of herein, Plaintiff composed an original  
5 two-dimensional artwork for purposes of textile printing. It allocated this design the  
6 name GT1148 (hereinafter "Subject Design"). This artwork was a creation of  
7 Plaintiff and Plaintiff's design team, and is, and at all relevant times, was owned  
8 exclusively by Plaintiff.

9 17. Plaintiff applied for and received a United States Copyright Registration  
10 for the Subject Design.

11 18. Prior to the acts complained of herein, Plaintiff sampled and sold fabric  
12 bearing Subject Design to numerous parties in the fashion and apparel industries.

13 19. Following this distribution of product bearing the Subject Design,  
14 Plaintiff's investigation revealed that certain entities within the fashion and apparel  
15 industries had misappropriated the Subject Design, and were selling fabric and  
16 garments bearing illegal reproductions and derivations of the Subject Design.

17 20. Plaintiff is informed and believes and thereon alleges that, following this  
18 distribution of fabric bearing Subject Design, Dollar General, Star Ride, Sunflower,  
19 Forman, India, Hot Rags, LuLaRoe, Fanaberie, and certain DOE Defendants created,  
20 sold, manufactured, caused to be manufactured, imported and/or distributed fabric  
21 and/or garments comprised of fabric bearing an unauthorized reproduction of  
22 Subject Design ("Infringing Product"). Such Infringing Product includes but is not  
23 limited to:

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1 a) Garments bearing the label “Bobbie Brooks,” a registered trademark  
2 of Dollar General and allocated Style No. DG8037. Such Infringing  
3 Product also bore RN 83951 and further noted its supplier as “Star  
4 Ride Kids, Inc.,” indicating said garments were manufactured by or  
5 for Star Ride, who in turn supplied them to Dollar General. It is  
6 apparent from a comparison of the Subject Design and such  
7 Infringing Product that the elements, composition, arrangement, and  
8 appearance of the designs are substantially similar. See below for a  
9 comparison of one such Infringing Product (“Infringing Product A”)  
10 and the Subject Design;

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Subject Design GT1148	Infringing Product A – Item 31112754006 (Star Ride/Dollar General)
<p data-bbox="526 352 626 384">Details:</p>  <p data-bbox="526 1115 626 1146">Design:</p> 	<p data-bbox="1159 352 1260 384">Details:</p>  <p data-bbox="1149 1157 1269 1188">Garment:</p> 

1                   b) Garments sold by Forman Mills under SKU No. 474013721007.  
2                   Such Infringing Product was allocated Style No. SMX-005 and bore  
3                   the label “California Woman” and RN 88716, indicating said  
4                   garments were manufactured by or for Sunflower. It is apparent from  
5                   a comparison of the Subject Design and such Infringing Product that  
6                   the elements, composition, colors, arrangement, and appearance of  
7                   the designs are substantially similar. See below for a comparison of  
8                   one such Infringing Product (“Infringing Product B”) and the Subject  
9                   Design;

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<p>1 Subject Design GT1148</p>	<p>Infringing Product B – Style SMX-005 (Sunflower / Forman Mills)</p>
<p>2 Detail:</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> 	<p>Detail:</p> 
<p>Design:</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>26</p> <p>27</p> 	<p>Garment:</p> 

1 c) Garments sold by Hot Rags under SKU 106109. Such Infringing  
2 Product bore the label “Isla Bonita” and RN 113002, indicating it  
3 was manufactured by or for India. It is apparent from a comparison of  
4 the Subject Design and such Infringing Product that the elements,  
5 composition, colors, arrangement, and appearance of the designs are  
6 substantially similar. See below for a comparison of one such  
7 Infringing Product (“Infringing Product C”) and the Subject Design;  
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Subject Design GT1148	Infringing Product C – SKU 106109 (India / Hot Rags)
<p data-bbox="532 304 620 336">Detail:</p>  <p data-bbox="526 1071 626 1102">Design:</p> 	<p data-bbox="1166 294 1253 325">Detail:</p>  <p data-bbox="1149 1119 1269 1150">Garment:</p> 

1 d) Garments sold by Fanaberie under the Item Description “LuLaRoe  
2 Tribal Triangle Legging,” indicating they were manufactured by or  
3 for LuLaRoe. It is apparent from a comparison of the Subject Design  
4 and such Infringing Product that the elements, composition, colors,  
5 arrangement, and appearance of the designs are substantially similar.  
6 See below for a comparison of one such Infringing Product  
7 (“Infringing Product D”) and the Subject Design.  
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Subject Design GT1148	Infringing Product D – Aztec Tribal Leggings (Lularoe/Fanaberie)
<p data-bbox="532 302 618 338">Detail:</p>  <p data-bbox="526 1003 625 1039">Design:</p> 	<p data-bbox="1166 289 1252 325">Detail:</p>  <p data-bbox="1149 1054 1268 1089">Garment:</p> 

**FIRST CLAIM FOR RELIEF**

(For Copyright Infringement – Against All Defendants, and Each)

21. Plaintiff repeats, realleges, and incorporates herein by reference as though fully set forth, the allegations contained in the preceding paragraphs of this Complaint.

22. Plaintiff is informed and believes and thereon alleges that Defendants, and each of them, had access to the Subject Design, including, without limitation, through (a) access to Plaintiff's showroom and/or design library; (b) access to illegally distributed copies of the Subject Design by third-party vendors and/or DOE Defendants, including without limitation international and/or overseas converters and printing mills; (c) access to Plaintiff's strike-offs and samples, and (d) garments manufactured and sold to the public bearing fabric lawfully printed with the Subject Design by Plaintiff for its customers.

23. Plaintiff is informed and believes and thereon alleges that one or more of the Defendants manufactures garments and/or is a garment vendor. Plaintiff is further informed and believes and thereon alleges that said Defendant(s) has an ongoing business relationship with Defendant retailer, and each of them, and supplied garments to said retailer, which garments infringed the Subject Design in that said garments were composed of fabric which featured unauthorized print design(s) that were identical or substantially similar to the Subject Design, or were an illegal derivation or modification thereof.

24. Plaintiff is informed and believes and thereon alleges that Defendants, and each of them, infringed Plaintiff's copyrights by creating, making, and/or developing directly infringing and/or derivative works from the Subject Design and by producing, distributing and/or selling garments which infringe the Subject Design through a nationwide network of retail stores, catalogues, and through on-line websites.







- a. That Defendants, their agents and employees be enjoined from infringing Plaintiff's copyrights in any manner, specifically those for the Subject Design;
- b. That Plaintiff be awarded all profits of Defendants plus all losses of Plaintiff, plus any other monetary advantage gained by the Defendants through their infringement, the exact sum to be proven at the time of trial, or, if elected before final judgment, statutory damages as available under the Copyright Act, 17 U.S.C. § 101 et seq.;
- c. That a trust be imposed over the revenues derived by Defendants, and each of them, through the sales or distribution of the product at issue;
- d. That Plaintiff be awarded its attorneys' fees as available under the Copyright Act U.S.C. § 101 et seq.;
- e. That Defendants, and each of them, account to Plaintiff for their profits and any damages sustained by Plaintiff arising from the foregoing acts of infringement;
- f. That Plaintiff be awarded pre-judgment interest as allowed by law;
- g. That Plaintiff be awarded the costs of this action; and
- h. That Plaintiff be awarded such further legal and equitable relief as the Court deems proper.

Plaintiff demands a jury trial on all issues so triable pursuant to Fed. R. Civ. P. 38 and the 7<sup>th</sup> Amendment to the United States Constitution.

Respectfully submitted,

Dated: July 16, 2019

By: /s/ Scott Alan Burroughs  
Scott Alan Burroughs, Esq.  
Trevor W. Barrett, Esq.  
DONIGER / BURROUGHS  
Attorneys for Plaintiff  
UNICOLORS, INC.